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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/500,867

07/21/2004

Masahide Ishikawa

040338

8698

23850 7590 12/23/2008
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EXAMINER

RONESI, VICKEY M

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

12/23/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Art Unit: 1796

Attachment to Advisory Action

Applicants' amendment filed 12/10/2008 has been considered; however, the amendment has not been entered given that it raises new issues that would require further consideration and/or search.

With respect to new issues, claims 9, 10, and 15 have been amended to exclude component (C2). Therefore, the amendment would require further consideration and/or search.

In the interest of better enabling the applicants to assess the patentability of their claims, the following advisory is given:

Had the amendment been entered, prior art rejections over Kobayashi '615 and/or Kobayashi '843 would have been withdrawn given that they do not disclose (C1) or (C3).

The terminal disclaimer filed on 12/10/2008 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 6,914,088 has been reviewed and is accepted. The terminal disclaimer has been recorded. The obviousness-type double patenting rejection is withdrawn.

The rejection under 35 USC 103 over US 6,914,088 would have been maintained given that applicant still has not provided a statement of common ownership *at the time of invention* which is required to overcome a rejection under 35 U.S.C. 103(a) based upon the commonly assigned case as a reference under 35 U.S.C. 102(e). It is suggested that applicant submit a statement such as, "Application X and Application Y were, at the time the invention of Application X was made, owned by Company Z." See MPEP § 706.02(l)(2). While the

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inventions are presently commonly owned as applicant has noted, they were not necessarily commonly owned *at the time of invention*.

12/17/2008

Vickey Ronesi

/V. R./

Examiner, Art Unit 1796

/Vasu Jagannathan/

Supervisory Patent Examiner, Art Unit 1796